

Graham B. LippSmith (SBN 221984)  
[g@lippsmith.com](mailto:g@lippsmith.com)

MaryBeth LippSmith (SBN 223573)  
[mb@lippsmith.com](mailto:mb@lippsmith.com)

Jaclyn L. Anderson (SBN 258609)  
[jla@lippsmith.com](mailto:jla@lippsmith.com)

**LIPPSMITH LLP**

555 S. Flower Street, Suite 3000  
Los Angeles, CA 90071

Tel: (213) 344-1820 / Fax: (213) 513-2495

Jason T. Dennett (WSBA #30686), *Pro Hac Vice*  
[jdennett@tousley.com](mailto:jdennett@tousley.com)

Kaleigh N. Boyd (WSBA #52684), *Pro Hac Vice*  
[kboyd@tousley.com](mailto:kboyd@tousley.com)

**TOUSLEY BRAIN STEPHENS PLLC**

1200 Fifth Avenue, Suite 1700  
Seattle, WA 98101

Telephone: (206) 682-5600 / Fax: (206) 682-2992

Attorneys for Plaintiff Carolyn Clark

**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
EASTERN DIVISION**

CAROLYN CLARK;

Plaintiff,

v.

INCOMM FINANCIAL SERVICES,  
INC., a Delaware corporation,

Defendant.

Case No. 5:22-cv-01839-JGB-SHK

**REQUEST FOR JUDICIAL  
NOTICE IN SUPPORT OF  
OPPOSITION TO  
DEFENDANT'S MOTION FOR  
ATTORNEYS' FEES**

Hon. Jesus G. Bernal

Date: September 16, 2024

Time: 9:00 a.m.

Courtroom: 1

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF OPPOSITION TO**  
**DEFENDANT’S MOTION FOR ATTORNEYS’ FEES**

Pursuant to Federal Rule of Evidence 201, Plaintiff Carolyn Clark (“Plaintiff”) respectfully requests that the Court take judicial notice of the following documents in support of Plaintiff’s Counsel’s Opposition to Defendant’s Motion for Attorneys’ Fees, which is filed concurrently herewith:

1. U.S. District Court, California Northern District (San Francisco), Civil Docket, *People of the State of California, acting by and through San Francisco City Attorney David Chiu v. InComm Financial Services, Inc. et al.*, Civil Case No. 3:23-cv-06456-WHO (attached as **Exhibit 27**);

2. U.S. District Court, California Northern District (San Jose), Civil Docket, *Smith v. InComm Financial Services, Inc. et al.*, Civil Case No. 5:23-cv-04687-BLF (attached as **Exhibit 28**);

3. U.S. District Court, Southern District of New York (Foley Square), Civil Docket, *Schuman v. Visa U.S.A., Inc. et al.*, Civil Case No. 1:24-cv-00666-GHW-GS (attached as **Exhibit 29**);

4. Complaint filed on November 9, 2023 in the Superior Court of the State of California, County of San Francisco entitled *People of the State of California v. InComm Financial Services, Inc.*, et al., Case No. CGC-23-610333 (attached as **Exhibit 30**);

5. David Chiu, City Attorney of San Francisco, *City Attorney sues maker of Vanilla gift cards over consumer scams*, Nov. 20, 2023 (attached as **Exhibit 31**);

6. Senator Richard Blumenthal, Press Release, Blumenthal Urges FTC Investigation of Vanilla Gift Card Maker Following Reports of Scams, Dec. 11, 2023 (attached as **Exhibit 32**); and

7. Federal Deposit Insurance Corporation, 2021 FDIC National Survey of Unbanked and Underbanked Households (attached as **Exhibit 33**).

This Court may take judicial notice of each of these documents. The Court may take judicial notice of matters of public record that are “not subject to reasonable dispute,” as they are “generally known within the trial court’s territorial jurisdiction” or “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). Each of the items listed above as (1) through (4) is a public record of court activity or a complaint, maintained on a court website, and this Court may take judicial notice of the existence of these judicial proceedings. *E.g., United States v. S. California Edison Co.*, 300 F. Supp. 2d 964, 974 (E.D. Cal. 2004). Items (5) through (7) are maintained on a government website or with public agencies. Moreover, this Court may take judicial notice at any stage of a proceeding. Fed. R. Evid. 201(d).

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1 For the foregoing reasons, Plaintiff's Counsel respectfully request that the  
2 Court consider and take judicial notice of the above-specified documents.

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4 DATED this 31st day of July, 2024.

5 Respectfully submitted,

6 **LIPPSMITH LLP**

7 By: /s/ Graham B. LippSmith

8 GRAHAM B. LIPPSMITH

9 MARYBETH LIPPSMITH

JACLYN L. ANDERSON

10 **TOUSLEY BRAIN STEPHENS PLLC**

11 JASON T. DENNETT, WSBA #30686

12 *Pro Hac Vice*

13 KALEIGH N. BOYD, WSBA #52684,

*Pro Hac Vice*

14 Attorneys for Plaintiff